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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/193,928      | 11/17/1998  | TETSUYA ATSUMI       | M2009-9             | 2606             |

7278 7590 05/12/2003

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| EXAMINER |
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BLAU, STEPHEN LUTHER

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 05/12/2003

35

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/193,928

Applicant(s)

ATSUMI ET AL.

Examiner

Stephen L. Blau

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☒ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: As stated in the Final Office Action.Claim(s) objected to: As stated in the Final Office Action.Claim(s) rejected: As stated in the Final Office Action..

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: The argument that the reference of Cheng is improper due to Cheng not disclosing what layer is inner is disagreed with. Column 2 lines 64 through column 3 lines 1-3 states that figure 2 shows successive base rod layer 22a, 22b and 22c and there can be 10-20 layers. Clearly there will be an angled layer as an inner layer compared to outer layers around it. The claims do not require the most inner layer to be an angled layer but that a first layer is an angled layer. This first layer can be in the middle of layers. The argument that Kobayashi is improper since it does not disclose how to increase torsional strength is disagreed with. Kobayashi was used to show the motivation to have a high or low torsional strength for a shaft. The argument that it is improper to use JP '131 and JP '840 with Cheng since they do not have the same layer suggestion a Cheng is disagreed with. JP '131 and JP '840 were not used to show layer pattern but teachings in the art of suitable torsional strength for a layer, length of layers, concentricity of layers and weights of shafts. The argument that it would not be obvious to have a light weight shaft of Cheng of 30-40 grams since the assignee of Cheng does not manufacture shaft below 50 grams is disagreed with. There are many different strength golfers and JP '840 teaches a need for shafts of 30-40 grams in weight. This is an obvious characteristic for a shaft of Cheng and the number of layers, wall thickness, shaft diameter, and shaft length are able to be adjusted to provide this modification. The argument that it is improper to use the reference of Jackson since Jackson discloses layer 40' is disagreed with. The Information Disclosure Statement dated 22 April 2003 will not be considered due to not meeting the conditions of 37 CFR 1.97 paragraph c which requires the statement in paragraph e in addition to the required fee.

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**